

ORDINANCE NO. 887

AN ORDINANCE relating to city cemeteries and defining city cemeteries and lodge cemeteries; setting forth regulations for the care and maintenance all cemeteries; creating a new cemetery commission to administer regulations in lodge cemeteries; changing fees to be charged for cemetery services; and creating Sections 10.16.005, 10.16.007, 10.16.009, 10.16.025, 10.16.035, 10.16.065, 10.16.170, 10.16.180, 10.16.190, 10.16.200, and 10.16.210; and amending Sections 10.16.010, 10.16.020, 10.16.030, 10.16.040, 10.16.050, 10.16.060, 10.16.070, 10.16.080, 10.16.090, 10.16.110, 10.16.140 and 10.16.160.

The City Council of the City of Roslyn, Washington does ordain as follows:

Section 1. Section 6.01.030 of the Roslyn City Code is hereby amended as follows:

Chapter 10.16

CEMETERY RATES, RULES AND REGULATIONS

Sections:

- 10.16.005 Purpose.
- 10.16.007 History.
- 10.16.009 Definition of Terms.
- 10.16.010 Cemetery Names.
- 10.16.020 Cemetery Plat and Records for New City Cemetery and the Roslyn Memorial Gardens.
- 10.16.025 Cemetery Plat and Records for all other Cemeteries.
- 10.16.030 Cemetery Sexton.
- 10.16.035 Cemetery Commission.
- 10.16.040 General Regulations.
- 10.16.050 Malicious Mischief.
- 10.16.060 Interments.
- 10.16.070 Disinterments.
- 10.16.080 Headstones, Monuments, Markers, Graves, Etc.
- 10.16.090 Cemetery Charges.
- 10.16.100 Cemetery Improvement Fund.
- 10.16.110 Deeds or Certificates of Ownership.
- 10.16.120 Liability of City.
- 10.16.130 Books of Account; Audit.
- 10.16.140 Penalties for Violation.
- 10.16.150 Repealed.
- 10.16.160 Assistant Sexton.

- 10.16.170 Private Cemeteries.
- 10.16.180 Maintenance of Cemeteries
- 10.16.190 Cemetery Policies and Plans.
- 10.16.200 Historic Significance and Preservation of Roslyn Cemeteries.

10.16.005 Purpose. The Roslyn Cemeteries are unique among the cemeteries of the State of Washington. As such, the City of Roslyn desires to protect and preserve the historic, cultural, sociologic, and archaeologic significance and character of the Roslyn Cemeteries. The City also desires to maintain the separate identity and integrity of each of the various cemeteries. The City further desires that the primary purpose of the Roslyn Cemeteries continue to be a place of burial and commemoration of the dead. The City intends that the Roslyn City Code be utilized to provide direction in meeting these goals.

10.16.007 History. The development of the Roslyn Cemeteries began prior to Roslyn's incorporation in 1889. These cemeteries were operated with the permission of the Northern Pacific Coal company, later the northwestern Improvement Company (NWI). Originally, there was one general cemetery (now known as the Old City). Blacks were excluded from the original cemetery and were buried in an adjoining piece of ground. As fraternal organizations came into being, fraternal cemeteries were also developed as distinct and separate cemeteries. In 1926 the City was deeded the land that encompassed all then existing cemeteries, except the Masonic Cemetery, which was deeded to the lodge directly from NWI. Enough land was deeded at this time to cover some expansion. Subsequent to that deed, four cemeteries have been deeded by the City to individual organizations. These are Oddfellows, Old Knights of Pythias, New Knights of Pythias, and Veteran cemeteries. The City has also subsequently added two cemeteries, the New City and Roslyn Memorial Gardens. The Roslyn Memorial Gardens was situated on a piece of land acquired by the City after the 1926 deed. Given this line of development, the only cemeteries for which the City maintains records are the New City and Roslyn Memorials Gardens, only the Roslyn Memorial Gardens has perpetual care. Most of the fraternal organizations that once existed locally have now been disbanded for many years. Families and other volunteers currently do most of the cleaning and maintenance in the Roslyn cemeteries.

10.16.009 Definition of Terms. The following words or phrases shall have the meanings set forth for the purposes of

this Chapter:

(1) "Roslyn Cemetery or Roslyn Cemeteries" shall mean all cemeteries, both public and private, located within the Roslyn City limits.

(2) "City Cemeteries" shall mean all cemeteries owned by the City of Roslyn.

(3) "Lodge Cemeteries" shall mean all cemeteries organized by or affiliated with fraternal organizations or other social groups. This designation applies even if the organization no longer exists on a local, state or national level. This designation shall also include the black Miners' Cemetery.

(4) "Structural changes" shall mean any repair, removal or establishment of any curbing, structures, grave stones, plaques, effigies, statues, any other markers, or fencing located in or about the cemeteries. It shall also include any use of cement or concrete.

(5) "Curbing" shall mean any constructed border and/or interior of a grave or lot, however marked, including but not limited to, cement, concrete, stones, wood, or other material.

(6) "Maintenance" shall mean the routine cleaning of cemetery areas. This shall include grass mowing and trimming, weeding, raking, the changing or cleaning of marble chips, lava rock, cinder rock, or beauty bark. Maintenance shall not include any structural changes.

(7) "Family" shall mean all blood relatives of the decedent or the individual interred. This shall include those related by adoption or the spouse of a blood relative.

(8) "Responsible entity" shall mean any lodge, group or other individuals designated by the Sexton (in the case of City cemeteries) or Commission (in the case of lodge cemeteries) under this Chapter to be responsible for a particular Roslyn cemetery according to the provisions of this Chapter.

10.16.010 Cemetery Names. The current individual cemeteries that lie within the Roslyn city limits are as follows: Old City Cemetery, New City Cemetery, Roslyn Memorial Gardens, Mt. Olivet (Black Miners' Cemetery), Old Knights of Pythias, New Knights of Pythias, Oddfellows,

Foresters, Redmen, Dr. Starceovich #1, Dr. Starceovich #2, Slovak, Serbian/Russian Orthodox, St. Barbara, Masonic, Sokal, Eagles, Lithuanian, Polish, Veterans, Moose, Silvio, Pelico, Cacciatori d'Africa, and Druids. These names are for designation purposes only and are not intended to imply ownership to any organization. The most recently developed and platted cemetery by the City of Roslyn shall be known as "Roslyn Memorial Gardens". The next previously developed and platted cemetery by the City of Roslyn shall continue to be known as "The New City Cemetery" and the first cemetery developed and platted by the City of Roslyn shall continue to be known as "The Old City Cemetery".

10.16.020 Cemetery Plat and Records for New City Cemetery and the Roslyn Memorial Gardens. There shall be kept in the office of the City Clerk an accurate and permanent record of the ownership of lots in the cemeteries the New City Cemetery and the Roslyn Memorial Gardens and the status of such lots, showing all transfers of lots, the names and addresses of the owners, the lots in which interments have been made and the names of the persons interred, and such other information as may be deemed advisable. The Cemetery Sexton shall keep in his or her records a plat or plats, accurate and up to date, of all City cemeteries the New City and Roslyn Memorial Gardens.

10.16.025 Cemetery Plat and Records for all other Cemeteries. The Cemetery Sexton in the Office of the City Clerk, shall begin to keep records of all burials for all other City Cemeteries occurring after the effective date of this ordinance.

10.16.030 Cemetery Sexton.

(1) The direction of funerals, while within the cemetery, and the care and maintenance of the cemetery shall be under the supervision of the Cemetery Sexton, together with the police force of the City and such other persons as may be designated by the City, all of whom shall maintain order, and enforce the cemetery rules and regulations and the laws of the State of Washington and the ordinances of the City of Roslyn within the cemetery and within such radius as may be necessary to protect the cemetery property.

(2) The Sexton, superintendent or other person in charge of the cemetery, and such other persons as may be designated by the City authorities, are by law of the State of Washington and this Chapter given the authority of a police officer for the purpose of maintaining the laws of the State of Washington and the ordinances of the City of Roslyn within the City cemeteries and within such radius thereof as may be necessary to protect the cemetery property.

(3) The Cemetery Sexton shall be the City Clerk. The



compensation to be paid for such services shall be determined by the City Council.

(4) All decisions by the Sexton under this Chapter are appealable to the City Council.

10.16.035 Cemetery Commission.

(1) There is hereby created a "Cemetery Commission" (hereinafter referred to in this chapter as "Commission") to oversee the management of and coordinate all activities in lodge cemeteries. It is intended that management of lodge cemeteries will be a cooperative effort between the City the Cemetery Commission.

(2) The Commission shall consist of fifteen members. The lodges may nominate prospective members and each member shall be appointed by the Mayor subject to confirmation by the City Council for five (5) year terms; provided, however, that the first three appointments shall be for a term expiring on December 31, 2000 and three appointments shall expire on December 31st of each of the next five years. No person holding any City office shall be a member of the Cemetery Commission.

(3) The Commission shall elect its own presiding officer. The Commission shall hold at least one regular meeting each month for not less than nine months in each year. It shall adopt rules for transaction of business and shall keep a written record of its meeting, resolutions, transactions, findings and determinations which record shall be a public record.

(4) The duties of the Commission shall be to:

- (a) Review and approve all applications for burials within lodge cemeteries;
- (b) Review and approve all applications for structural changes within lodge cemeteries;
- (c) Coordinate maintenance activities within lodge cemeteries;
- (d) Keep records as required by this chapter and forwarding all records to the City Clerk;
- (e) Communicate all commission actions to the City Council.

(5) The need for and effectiveness of the Cemetery Commission shall be reviewed by the City Council at least every two years.

(6) All decisions by the Cemetery Commission made pursuant to the provisions of this Chapter may be appealed to the Roslyn City Council.

10.16.040 General Regulations.

(1) The rules and regulations set out in this Chapter and subsequent chapters and as determined by motion or resolution of the City Council shall govern all cemeteries

now owned or hereafter acquired by the City of Roslyn. The City expressly reserves the right to make from time to time such additional rules and regulations as may be deemed desirable in the public interest.

(2) No tree, shrub or plant shall be planted, placed or kept on any lot or in any other part of the cemeteries except in areas designated by the City for planting or keeping thereof, and any tree, shrub or plant planted or kept or maintained in violation hereof shall be summarily removed by the Sexton with such other City help as is necessary, and the cost of removal shall be paid by the offending person or persons.

(3) No monument, structure, effigy, inscription, sign, placard or thing shall be placed, kept or maintained upon any lot or any other cemetery area except as specifically authorized by the ordinances, rules and regulations of the City, and if anything is placed or kept or maintained in violation thereof the Sexton shall, with such other City help as is necessary, summarily remove the same, and the cost of removal shall be paid by the offending person or persons.

(4) In the Roslyn Memorial Gardens no fences of any kind, and no coping or curbing of any kind, and no other monuments, stones, objects or things of any kind projecting above the surface of the ground will be permitted, except as specifically authorized by the ordinances, rules and regulations of the City.

(5) Heavily loaded vehicles and other heavy or sharp objects or things which will mark, damage or tear up the ground shall not be allowed within the cemetery areas without written permission of the Sexton.

(6) Every person entering any City cemetery shall be responsible for all damages done by that person or by any vehicle, person, animal or thing in that person's charge.

(7) No animal shall be taken into or allowed to enter any cemetery area.

(8) Any person disturbing the quiet or good order of the cemetery by noises or disorderly or improper conduct, or who shall violate any of the rules or regulations pertaining to the cemeteries, will be ejected from the cemeteries, and the Sexton or other person in charge of the cemetery is vested with full police power to arrest any such offender.

(9) No vehicle shall: (a) be driven in any part of the cemeteries except on the driveways laid out for that purpose or on unimproved property; (b) be driven in the cemeteries at a speed exceeding 15 miles per hour; (c) be driven or parked in the cemeteries between dusk and dawn each day, except law enforcement vehicles or City maintenance vehicles.

(10) Signs and advertisements of every description are strictly prohibited in the city cemeteries, except as necessary for cemetery regulations by the City.

(11) No person shall take any fire arm or gun inside the cemeteries. This restriction shall not apply to those participating in a military funeral, or to law enforcement

officers.

(12) No person other than law enforcement officers of City maintenance workers shall be in any part of the Roslyn City cemeteries one-half hour after sunset and one-half hour before sunrise each day.

10.16.050 Malicious Mischief- Penalties.

(1) The following acts are prohibited, and every person is guilty of ~~malicious mischief~~ a gross misdemeanor who unlawfully or without right willfully does any of the following:

(a) Destroys, cuts, mutilates, effaces, or otherwise injures, tears down or removes, any tomb, plot, monument, memorial, or marker in the City Roslyn cemeteries, or any gate, door fence, wall, post or railing, or any enclosure for the protection of the cemeteries or any property therein.

(b) Destroys, cuts, breaks, removes or injures any building, statuary, ornamentation, tree, shrub, flower or plant within the cemeteries.

(c) Disturbs, obstructs, detains or interferes with any person carrying or accompanying human remains to a cemetery or funeral establishment, or engaged in a funeral service, or an interment.

(2) Any person violating any other provision of Roslyn City Code 10.16 et seq. shall be guilty of a gross misdemeanor which is punishable by no more than one year imprisonment or a \$5,000 fine or both.

~~(2)~~ (3) The foregoing provisions ~~relating to malicious mischief~~ do not apply to the removal or unavoidable breakage or injury, by the City or its agent or employees, of any thing placed in or upon any portion of the City cemeteries in violation of any of the rules and regulations of the City, nor to the removal of any thing placed in the cemeteries by or with the consent of the City which has become in a wrecked, unsightly or dilapidated condition.

(4) Any person violating any provision of Roslyn City Code 10.16 et seq. is liable in a civil action to the City or other proper cemetery authority to pay all damages occasioned by his unlawful acts. The sum recovered shall be applied in payment for the repair and restoration of the property injured or destroyed.

10.16.060 Interments- Burials in the Old City, New City or Roslyn Memorial Garden Cemeteries.

(1) No interment burial shall be allowed or made in any lot for which the City has not been paid the full purchase price prior to interment.

(2) Lots are sold for the purpose of burial of the human dead only.

(3) Lots may be purchased at the office of the city Clerk.

(4) No burial will be permitted in the cemeteries without a proper burial permit as required by the laws of the State of Washington.

(5) No burial will be permitted in the cemeteries without written permit from the City Clerk or Cemetery Sexton.

At the time permission is requested, the name, age, place and date of birth, place and date of death, color, sex and last address of the person to be interred shall be given to the City Clerk or Cemetery Sexton.

(6) A record shall be kept of all remains ~~interred or cremated.~~ buried. In each case, the date of ~~interment or cremation~~ burial and the name and address of the funeral director, in addition to the information mentioned above, shall be kept as part of the record of ~~interment.~~ burial.

(7) On the death of any owner of a lot, or lots, in the cemeteries, the heirs, assignees or devisees of such decedent must furnish to the City satisfactory proof of ownership of any such lot or lots, before further ~~interments~~ burials can be made.

(8) No transfer of any lot or any interest therein, will be valid without the consent of the City being first had and endorsed upon such transfer, and a record thereof entered on the books of the City.

(9) Within the cemetery areas all funerals will be subject to control and direction of the Sexton. All interments must be made under the direction of the Sexton who will have the entire control of the digging of graves, and all other matters relating to burials.

(10) In the Roslyn Memorial Gardens ~~N~~ no grave shall be dug less than six inches from the boundary line of the lot, and graves on lots shall be so arranged as not to present a crowded or irregular appearance. Mounds over new graves must be kept low, not over five inches in height.

10.16.070 Disinterments. Exhumations. No ~~disinterment~~ exhumation will be allowed without a written permit from the registrar of the district in which the City cemeteries are located and without the written permission of the City of Roslyn and of the lot owner or his heirs or assignees and of the nearest kin to the deceased, and all such ~~disinterments~~ exhumations shall be under the direction and supervision of the Cemetery Sexton, except that disinterments will be allowed when made pursuant to an order of a Court of record, in which case receipts for the remains must be given. (Ord. 540, §7, 1977)

10.16.080 Headstones, Monuments, Markers, Graves, Etc.  
This section applies to city cemeteries only.

(1) In order to secure the best general appearances the City requires that all planting and keeping of shrubs and plants in the cemeteries shall be done ~~only in accordance with the established plan~~ under the permission and direction

of the Cemetery Sexton, with his or her approval and in such places only as he or she may designate pursuant to such plan.

(2) No lot in the Roslyn Memorial Gardens shall be raised above the contour of the surrounding grade of the cemetery grounds, as established. To insure the proper development of the grounds, the grade of lots will be determined by the City.

(3) No monument company nor any other person or entity, including but not restricted to relatives of persons buried in the City cemeteries, shall place any grave marker or monument on any grave or any other point in the City cemeteries without first obtaining a permit from the Sexton permitting the placement of such grave marker or monument.

(4) If anyone wishes to place a bench, fountain, tree, shrub, plant, or other suitable material in the cemetery, that may be done only with the permission of the City, and the City shall decide where the same is to be located.

(5) The City reserves the right to exclude or remove from any lot or other cemetery area any headstone, monument, curbing, slab, or other structure, street, plant or any object whatever which may conflict with the regulations of the cemeteries, or which the City may consider injurious to the general appearance of the grounds.

(6) The City reserves the right to lay out, alter or vacate avenues or walks, to establish the grades of avenues, walks and lots, and to change these rules and regulations in such manner as may be deemed requisite and proper by the city to secure and promote the general objectives and best interests and appearance of the cemeteries, and no notice of such intended actions shall be required.

(7) In the Roslyn Memorial Gardens \* all flat and/or foot markers or upright monuments shall be located at the head of each grave space or plot and such installation shall be at the expense of the lot owner. An four- to eight-inch border, three inches in thickness, composed of concrete, shall be poured at the base of each upright monument, and the top of this border shall be flush with the cemetery grade level as established by the City. All flat markers shall be flush with the ground.

(8) No materials used in or resulting from grave or lot work or improvement thereof shall be allowed to remain in the ~~cemetery~~ City cemeteries longer than shall be strictly necessary, and all refuse and unused materials must be removed immediately upon completion of the work or improvement, and in no case longer than shall be strictly necessary. In case of neglect, such items will be removed by the City at the expense of the lot owner.

(9) In the Roslyn Memorial Gardens & grave spaces for adult burial shall be not less than three and one-half feet in width and nine feet in length. Grave spaces for infants shall be not less than three and one-half feet in width and five feet in length. Infant burials requiring a grave space exceeding three and one-half feet by five feet shall be



considered adult burials, and adult interment space shall be used.

(10) Concrete grave liners or vaults are mandatory for all adult burials and concrete liners or vaults are mandatory for all remains.

(11) In the Roslyn Memorial Gardens \* all containers used for the holding of flowers shall be of reversible nature so that when empty they made be recessed to ground level. All containers recessed in the ground without vase shall be required to have a steel lid attached by chain to cover the recess. The Sexton shall be notified of such installation prior thereto. The City reserves the right to remove any such installation that does not conform to the City's rules and regulations governing the same or which in any way impair or impede the care and maintenance of the cemeteries by the City.

(12) All temporary markers shall be removed from grave spaces within thirty days after interment has been made. Grave spaces thereafter shall be marked only by permanent type markers as hereinabove described.

~~(13) It is the City plan to develop the cemeteries in a continuous care manner, seeded to lawn, and presenting an attractive appearance. To facilitate this plan it is necessary that the regulations set out in this Chapter be strictly enforced. Any structural changes occurring in the City Cemeteries shall be done only after submitting in writing an application to the Cemetery Sexton of what work is being planned. The Sexton may require a drawing of the proposed work. If the proposed work is approved, the Sexton shall issue a written permit. If the work being done is deemed not to be the work authorized or is substandard, the Sexton at his/her or its discretion may order that the structural change be brought into compliance with the approved application or removed entirely. The person whose name appears on the permit is entirely responsible for seeing that the work is done as approved and is responsible for any all costs incurred by the City in enforcing the provisions of this Chapter.~~

(14) Any structural changes shall be done in a manner that insures their structural integrity. All cement or concrete poured shall be of at least a six sack mix to the cubic yard and shall be reinforced adequately to prevent cracking. The Sexton shall be authorized to seek any professional opinions he or she deems necessary prior to approval to determine if the proposed work will be structurally sound.

(15) The following provisions shall apply to the marking of any unmarked grave that is deemed by the Sexton to be over 30 years of age:

a. If the occupant of the grave is known and the family of the deceased desires that the grave be marked, said

grave may be marked in a fashion that is consistent with other graves within the immediate cemetery, subject to Sexton approval and the other provisions of this Chapter. Reasonable proof must be presented to the Sexton on the identity of the grave.

b. If the occupant of the grave is known and the family of the deceased cannot be reasonably located, and if an individual or appropriate lodge or group desires that the grave be marked for identification purposes and to prevent the loss of location, said grave may be marked only with a small headstone or wooden cross placed in such a manner as not to disturb the original grave site, subject to Sexton approval and the other provisions of this Chapter. Reasonable proof must be presented to the Sexton on the identity of the grave.

c. If the occupant of the grave is unknown and if an individual or appropriate lodge or group desires that the grave be marked to prevent loss of location, said grave may be marked only with a small headstone or wooden cross placed in such a manner as not to disturb the original grave site, subject to Sexton approval and the other provisions of this Chapter.

(16) All persons doing work in the Roslyn Cemeteries that are doing so as a business or for any other form of pay must be licensed and comply with all the necessary laws of the City and the State of Washington pertaining to contractors and other businesses. This shall include, but not be limited to, all monument companies or salesman, any contractor doing structural changes, and any grounds keeping or lawn care business. Nothing in this Chapter shall prevent a family from doing their own work and other volunteers provided that the comply with all other provisions of this Chapter. The City shall have the ability to suspend any business or individual from further activity of any nature in the Roslyn Cemeteries for failure to comply with any provisions of this Chapter.

#### 10.16.090 Cemetery Charges for the Old City, New City and Roslyn Memorial Gardens.

(1) The following schedule of grave space charges shall be effective hereafter for all cemeteries of the City of Roslyn: the Old City, New City, and Roslyn Memorial Gardens:

##### ~~GRAVE SPACES:~~

a. Adult Grave Spaces, ~~\$300.00 per space~~, whether remains are interred or cremation.

(i) City of Roslyn Resident, \$600.00 per space.

(ii) Cle Elum-Roslyn School District Resident,

\$750.00 per space.

(iii) All other persons, \$1,000.00 per space.

b. Cremation in same lot as spouse, additional  
~~\$100.00.~~ \$200.00.

c. Infant grave space, ~~\$100.00~~ \$200.00 per space.

d. A 5% discount on grave spaces charges is allowed for pre-death cash payment in full.

(2) The following schedule for miscellaneous charges shall be effective hereafter for the old City, New City and Roslyn Memorial Gardens.

MISCELLANEOUS CHARGES:-

a. There will be no permit fee for markers or monuments, but all placements shall be done by private person or company making sale or funeral director.

b. ~~Disinterments or reinterments, \$100.00 per opening.~~  
Exhumations or reburials.

(i) \$200.00 per opening for full body.

(ii) \$100.00 per opening for cremated remains.

(2) (3) Any or all of the above cemetery charges may be changed from time to time to the City of Roslyn, by ordinance.

10.16.100 Cemetery Improvement Fund.

(1) There is hereby created for the City of Roslyn a fund entitled "Cemetery Improvement Fund". The monies in this fund shall be kept separate from other funds of the City, and the balance in this fund at the end of each year shall be carried forward in the same fund. Monies designated for investment for lot care, and the income therefrom, shall be segregated so that an accurate record thereof may be kept.

(2) All cemetery monies coming into the hands of the City Treasurer, shall be kept by the City Treasurer in the Cemetery Improvement Fund. Cemetery Improvement Fund monies shall be used solely for the purposes of acquiring, operating, maintaining and improving the City cemeteries, and providing care for lots.

(3) The amounts received hereafter by the City from the sale of cemetery lots shall be deposited with the City Treasurer and thereafter not less than 10 per cent of such monies shall be set aside and invested, and the income therefrom used for care of said lots. Other amounts received from donations and other sources may, at the discretion of the City Council, also be set aside, invested, and the income used for said lot care and for cemetery improvement and maintenance.

(4) It shall be the duty of the City Treasurer, after first obtaining the approval of the Roslyn City Council, to invest all monies set aside for the care of lots in municipal, county, school or state bonds, or general obligation warrants of the City of Roslyn, or in such other investments as may be authorized by law. The income from

such investments shall be held in trust for the care of lots in the City cemeteries. If at any given time sufficient monies are available from other sources to cover the cost of such care, the income from the corpus of the lot care trust monies may be reinvested therein until such time as it may be required.

(5) All income received from the investment of the cemetery lot care monies and from such income as has been reinvested as above provided, shall be deposited with the Roslyn City Treasurer and shall be placed in the Cemetery Improvement Fund, and shall be paid out by the Treasurer when authorized by the City Council only for cemetery purposes.

10.16.110 Deeds or Certificates of Ownership. Upon payment in full of all charges for lots in the New City or Roslyn Memorial Gardens, the city of Roslyn shall give to the purchaser a deed or certificate of ownership to the burial lot or plat in questions, subject to all existing and future cemetery rules and regulations and the limitations set out in this Chapter. Such deeds or certificates shall state that no sale or transfer thereof or of the property therein described shall be valid or binding until approved by the City of Roslyn and recorded in the City cemetery records. In all other City Cemeteries no such deeds or certificates of ownership shall be issued by the City.

10.16.120 Liability of City. The City of Roslyn shall not be liable for any of said funds except a misappropriation thereof, and shall not have power to bind the City or said fund for any further liability that whatever net interest may be actually realized from such investments, and shall not be liable to any particular person for more than the proportionate part of such net earnings. This limitation on liabilities shall be set out in all deeds or certificates of ownership issued for cemetery lots.

10.16.130 Books of Account; Audit. Accurate books of account shall be kept of all transactions pertaining to the Cemetery Improvement Fund, which books shall be open to the public for inspection.

~~10.16.140 Penalties for Violation. Any person convicted of violating any of the provisions of this Chapter shall be punished by a fine of not more than \$300.00 or imprisonment for not more than 90 days,\* or both such fine and imprisonment.~~

\* Superseded by Ord. 592 and Ch. 1.12.

10.16.160 Assistant Sexton. The City of Roslyn shall contract for the services of an Assistant Sexton whose pay

shall be EIGHTY-FIVE DOLLARS (\$85) per interment for calendar year 1994 and as such rate as the City Council may set by resolution in subsequent years. The Assistant Sexton shall be an independent contractor, not a City employee, and shall serve for Memorial Gardens and New City Cemeteries.

A. Duties of the Assistant Sexton. The Assistant Sexton shall:

1. Accept calls regarding burial from Sexton
2. Contact funeral home to coordinate schedule
3. Notify and supervise digger
4. Notify city crew if plowing and/or sanding necessary
5. Check grave and installation of line and, if vault is used, coordinate with vault company
6. Check set-up of lowering device and other equipment
7. Check covering of grave and install temporary marker
8. Check and make a decision on final restoration
9. Notify Sexton when to release retainer
10. Field any discussions between any City employee and digger
11. See to any repairs needed to cemetery as a result of an interment
12. Allow vehicles into the cemeteries as necessary for interment
13. Restore the grounds of the cemetery to their original condition after use of a vehicle for interment
14. Retain FIFTY DOLLARS (\$50) of the \$400 contract digger fee as retainer until the contract digger restores the cemetery grounds to the satisfaction of the Assistant Sexton. The Assistant Sexton will strive insofar as possible to restore the cemetery to its original condition prior to interment.

B. Cemetery Fees.

Opening and closing of grave <u>for</u>		
<u>full body burial</u>	<del>\$400.00</del>	<u>\$535.00</u>
<u>Opening and closing of grave</u>		
<u>for cremated remains</u>		<u>225.00</u>
Liner--concrete sectional (required)		250.00
90-day temporary marker (required)		25.00
Permanent marker setting fee (required)		25.00
Equipment rental (required)		75.00
(Equipment includes lowering device, mound covers and chairs for family)		



Extra cost for any Saturday funeral  
(NO Sunday funerals)

100.00

10.16.170 Private Cemeteries. All private cemeteries within the Roslyn city limits shall comply with all state and local laws. All such cemeteries shall provide the city with the name of a contact person. Private cemeteries not in compliance with state or local laws will only be allowed to have burials in existing improved or established plots.

10.16.180 Maintenance of Cemeteries.

(1) The City designates only the Roslyn Memorial Gardens as perpetual care.

(2) Any and all maintenance occurring in the Roslyn Cemetery shall be conducted in such a manner as not to damage or disturb the historic and cultural nature of grave sites or the cemetery. Any and all maintenance shall not violate any provisions of this Chapter.

(3) Any organization, club, school group, or individuals desiring to do maintenance in the Roslyn Cemeteries shall first receive written permission from the Sexton, except this provision shall not apply to family members doing maintenance to family plots or to individuals or organizations described under Section 10.16.190.

10.16.190 Cemetery policies and plans. The Sexton or City may develop such policies and plans as necessary for the administration and preservation of the Roslyn Cemeteries and the administration of this Chapter when necessary. Such policies and plans shall be consistent with the Roslyn City Code.

10.16.200 Historic Significance and Preservation of Roslyn Cemeteries. The Roslyn Cemeteries are deemed by the City to be a historically significant site requiring preservation. The provisions of this Chapter are deemed necessary to that historical significance and preservation and are to be strictly enforced.

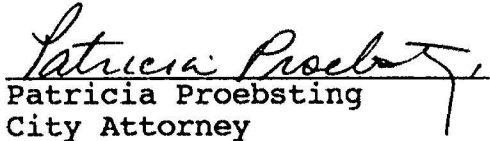
Section 2. This ordinance shall become effective five days after publication.

Passed by the City Council of the City of Roslyn at its regular meeting on the 26th day of October, 1999.



Dave Divelbiss  
Mayor

Approved as to form:



Patricia Proebsting  
City Attorney

Attest:



Maria Fischer  
City Clerk